



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

By CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Chief Judge Lotis (A-110)
Administrative Law Judges
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: USX Corporation
Docket No. CAA-III-049

Dear Chief Judge Lotis:

Enclosed is a copy of a Consent Agreement and Consent Order (CACO) that resolves the above referenced Clean Air Act action. The original CACO has been filed with the Regional Hearing Clerk.

Thank you for your patience and consideration during the course of these proceedings.

Respectfully Submitted,


Benjamin M. Cohan
Assistant Regional Counsel

cc: Steven Todd, Esq.
James Hagedorn (3AT21)

MAR 03 1995

RECEIVED

U.S. E.P.A.

Office of Regional Counsel
Philadelphia, PA

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

IN RE: : DOCKET NO. CAA-III-049
:
USX Corporation :
:
Clairton and :
Edgar Thomson Facilities : CONSENT AGREEMENT

Respondent.

Preliminary Statement

1. This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Sections 113(a)(3) and (d) of the Clean Air Act ("the Act"), 42 U.S.C. §§ 7413(a)(3) and (d), when the United States Environmental Protection Agency ("EPA") issued a Complaint and Notice of Opportunity for Hearing to USX Corporation ("Respondent") on September 30, 1994.
2. Respondent admits the jurisdictional allegations set forth in the Complaint.
3. Respondent neither admits nor denies the Findings of Fact contained in the Complaint and in this Consent Agreement.
4. Respondent neither admits nor denies the Conclusions of Law contained in this Consent Agreement.
5. Respondent hereby expressly waives its right to a hearing on any issue of fact or law set forth herein.
6. Respondent consents to the issuance and terms of the Consent Order hereinafter recited and consents to the payment of a civil penalty of one hundred and twenty-five thousand dollars (\$ 125,000).
7. No portion of any penalty or interest paid by Respondent pursuant to this Consent Agreement and Consent Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
8. Nothing in this Consent Agreement and Consent Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.
9. Each party to this action agrees to pay its own costs and attorney fees.

10. Respondent certifies to EPA that it is presently in compliance with the provisions of the Act referenced in the Complaint.

Findings of Fact

11. EPA incorporates by reference the factual allegations contained in paragraphs 1 through 20 of the Complaint.

Conclusions of Law

12. In view of the above Findings of Fact, EPA concludes that Respondent has violated Title 25 Pa. Code, Chapter 123, Section 123.51 of the Pennsylvania State implementation plan, and shall be liable to the United States for a civil penalty pursuant to Sections 113(a)(3) and (d) of the Act, 42 U.S.C. §§ 7413(a)(3) and (d).

January 17, 1995

Date

USX CORPORATION

By: Charles G. Carson, III

Vice President-Environmental Affairs

ATTEST:

By

Stephan K. Todd
Assistant Secretary

2/3/95
Date

Benjamin M. Cohan
Assistant Regional Counsel
EPA Region III

Accordingly, the Air, Radiation and Toxics Division, EPA Region III, recommends that the Regional Administrator issue the Consent Order set forth below. The amount of the recommended penalty assessment is one hundred and twenty-five thousand dollars (\$ 125,000).

2/21/95
Date

Thomas J. Maslany
Thomas J. Maslany, Director
Air, Radiation and Toxics
Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

IN RE: : DOCKET NO. CAA-III-049
:
USX Corporation :
:
Clairton and :
Edgar Thomson Facilities : CONSENT ORDER

Respondent.

CONSENT ORDER

The undersigned accepts and incorporates into this Consent Order by reference the Preliminary Statement, Findings of Fact and Conclusions of Law set forth in the foregoing Consent Agreement.

NOW, THEREFORE, PURSUANT TO 40 C.F.R. § 22.18(c), it is hereby ordered that Respondent pay a civil penalty of one hundred and twenty-five thousand dollars (\$ 125,000). Payment of the civil penalty shall be made by cashier's check or certified check within sixty (60) days of the "effective date" of this Consent Order. The effective date of this document is the date it is signed by the Regional Administrator. This check shall be made payable to "Treasurer, United States of America." The payments shall be mailed to the attention of EPA Region III, Regional Hearing Clerk, P.O. Box 360515M, Pittsburgh, Pennsylvania 15251. A copy of the checks shall be mailed at the same time payment is made to Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

The following notice concerns interest and late penalty charges that will accrue in the event the civil penalty is not paid as directed herein.

Pursuant to 31 U.S.C. § 3717, an executive agency is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on this civil penalty if it is not paid as directed. 4 C.F.R. § 102.13(b). Interest will be assessed at the rate of the United States Treasury tax and loan rate. 4 C.F.R. § 102.13(c). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge

on the debt be required, it will be assessed as of the first day payment is due. 4 C.F.R. 102.13(e). Pursuant to 40 C.F.R. 13.11(b), the costs of the administrative handling of overdue debts will be assessed monthly throughout the period the debt is overdue. As provided by EPA Resources Management Directives System, Chapter 9, EPA will Assess a \$15.00 administrative handling charge for administrative cousts for the first 30 day period after the payment is due and an additinal \$15.00 for each subsequent 30 days the penalty remains unpaid.

Thus, in accordance with the above provisions, to avoid the assessment of interest and handling charges on the penalty set forth herein, you must pay the civil penalty, in the manner directed, within sixty (60) days of the issuance of this Consent Order. To avoid the assessment of penalty charges on the debt, you must pay the full amount of the civil penalty, in the manner directed, within one hundred and fifty (150) days of the issuance of this Consent Order.

Date: 3/1/95


Peter H. Kostmayer
Regional Administrator
U.S. EPA, Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Certified Mail a copy of this Consent Agreement and Consent Order (Docket No. CAA-III-049) to the Addresses listed below:

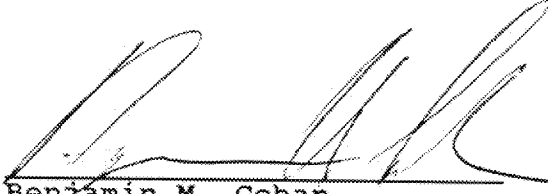
Chief Judge Lotis
Office of Administrative Law Judges
(A-110)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Mr. Steven Todd, Esq.
Environmental Law Department
U.S. Steel
600 Grant Street, Room 1538
Pittsburgh, PA 15219-2749

The original of this document was hand delivered on this date to the EPA Region III Regional Hearing Clerk, 841 Chestnut Street, Philadelphia, PA.

MAR 03 1995

Date


Benjamin M. Cohan
Assistant Regional Counsel
EPA Region III
841 Chestnut Bldg.
Philadelphia, PA 19107
(215) 597-7419